



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Werner Metz	§	Group Art Unit:	2629
		§		
Serial No.:	09/836,978	§		
		§	Examiner:	Srilakshmi K. Kumar
Filed:	April 18, 2001	§		
		§		
For:	LOCATING A POSITION ON A DISPLAY SCREEN	§	Atty. Dkt. No.:	ITL.0489US (P10269)
		§		

Mail Stop **Appeal Brief-Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

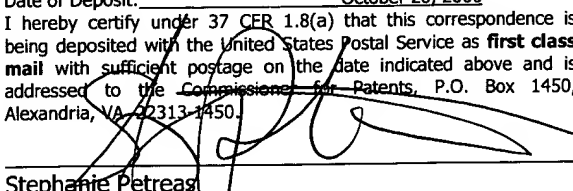
Sir:

Appellants respectfully file this Reply Brief in response to the Examiner's Answer mailed on August 22, 2006.

I. REPLY

The Pending Claims are Patentable

Independent claims 1, 11 and 20 are patentable over the proposed combination, as the Examiner fails to set forth a valid case of obviousness because neither of the cited references (Mumford and Wiebe) anywhere teaches or suggests multiple elements of the independent claims. Specifically, the cited art fails to teach or suggest generation of a different sequence of characteristic values each corresponding to a unique sequence of "primary colors" in each region

Date of Deposit: October 20, 2006
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Stephanie Petreas

of a display “until” a sensor’s position with respect to the regions is determined. That is, the cited references fail to teach either use of a unique sequence of *primary colors*, or generation of the same in each of the regions *until* the sensor’s position is determined.

With respect to the alleged teaching of a primary color, the Examiner refers to the primary reference, Mumford, and more particularly column 8, lines 7-47. Examiner’s Answer, p. 3. However, as this portion of Mumford clearly teaches, the display screen is provided with colors of a color gradient. This color gradient is not formed of a unique sequence of primary colors. Instead, Mumford rather teaches that “it would be possible to create about 32,000 colors in this region.” Mumford, col. 8:20-22. Clearly these 32,000 different colors are not primary colors. Instead, because each pixel of the display screen has different RGB values (for example, 96, 96, 96, or 128, 128, 128, as taught by Mumford), there is no teaching or suggestion of generating a unique sequence of primary colors in each region of the display. For this reason alone, the obviousness rejection must fail, as the Examiner does not contend that Wiebe anywhere teaches or suggests this missing subject matter.

The rejection of the independent claims is further erroneous, as Mumford further nowhere teaches generating a different sequence of characteristic values in each of the regions until a sensor’s position is determined. Instead, Mumford teaches that when it is determined that a sensor is not located in a given region, the characteristic displays are no longer provided to those regions. Thus Mumford fails to teach or suggest generating such characteristic values “until” a sensor’s position has been determined. In this regard, the Examiner refers to column 17, lines 15-47 and column 18, lines 9-49 for such a teaching. While the Examiner points to these portions of Mumford for support, in fact these passages support Appellant’s position, not the Examiner’s. That is, Mumford teaches that:

each iteration of imposing *the mapping screen is done on a significantly smaller portion of the screen each time*, so that the remaining screen may revert to the application screen such as the video display of a surgical site being examined.

Mumford, 17:41-47 (emphasis added).

Thus in Mumford, there is no generation of a different sequence of characteristic values in each region of a display until a sensor's position is determined.

The additional passage from Mumford confirms Appellant's position:

Dividing the matched portion in which the position is being touched by the electronic light pen into n equal portions, for at least one screen refresh of the video display screen, and *permitting the remaining $n-1$ original equal portions to revert to any previous or current video image intended to be displayed therein.*

Mumford, 18:23-29 (emphasis added).

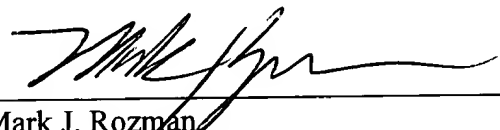
In the Examiner's Answer, the Examiner later (with respect to claim 10) inconsistently concedes that Mumford teaches that such regions are eliminated when it is determined that the sensor is not present in the region. Examiner's Answer, p. 7 ("Mumford discloses in column 18 where there is one extra region *after the elimination of a region* where the electronic light pen is not located." (emphasis added)). Thus even the Examiner concedes that Mumford nowhere teaches or suggests generating a different sequence of characteristic values in each of the display regions until a sensor's position is determined. Given that the cited references nowhere teach or suggest this missing subject matter from the independent claims, the rejection of the claims is erroneous.

II. CONCLUSION

For the reasons set forth herein, as well as set forth in the Appeal Brief, Appellant respectfully requests that the final rejection be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: October 20, 2006



Mark J. Rozman
Registration No. 42,117
TROP, PRUNER & HU, P.C.
1616 S. Voss Road, Suite 750
Houston, TX 77057-2631
(512) 418-9944 [Phone]
(713) 468-8883 [Fax]
Customer No.: 21906